

TYLER E. BAKER (New Jersey Bar No. 44392011)  
**SHEPPARD, MULLIN, RICHTER & HAMPTON LLP**  
30 Rockefeller Plaza  
New York, New York 10112-0015  
Telephone: (212) 653.8700  
Email: [tbaker@sheppardmullin.com](mailto:tbaker@sheppardmullin.com)  
*Attorneys for Plaintiff Sidewinder Films, LLC*

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY  
CAMDEN VICINAGE**

SIDEWINDER FILMS, LLC,

Plaintiff,

v.

SIDEWINDER FILMS, LLC,

Defendant.

CIVIL ACTION

Case No. 19-13992-NLH-AMD

**DECLARATION OF TYLER E.  
BAKER IN SUPPORT OF  
SUPPLEMENTAL MOTION FOR  
ATTORNEYS' FEES IN  
CONNECTION WITH MOTION  
FOR ENTRY OF FINAL  
JUDGMENT BY DEFAULT**

TYLER E. BAKER, of full age, and upon his oath declares and says:

1. I am an attorney-at-law admitted to practice before this Court and an associate with the law firm of Sheppard Mullin Richter & Hampton, LLP ("Sheppard Mullin"), who are the attorneys for Plaintiffs Sidewinder Films, LLC ("Plaintiff"). As such, I am fully familiar with the facts stated herein. I submit this Declaration in support of Plaintiff's Supplemental Motion for Attorneys' Fees In Connection With Motion For Entry of Final Judgment by Default against Defendant Sidewinder Films, LLC ("Defendant"), pursuant to the Court's October 11, 2022

ORDER and PERMANENT INJUNCTION [[D.I. 41](#)] (and related October 11, 2022 OPINION [[D.I. 40](#)]), Fed. R. Civ. P. 54(d)(2), Local Civil Rule 54.2, and 15 U.S.C. § 1117.

2. The unredacted portions of the Invoices previously submitted in connection with Plaintiff's initial motion for attorneys' fees (*see* Baker Decl. Ex. A [[D.I. 37-4](#)]) indicate the legal services rendered by the undersigned for representation of Plaintiff in prosecuting this action, totaling 37.4 hours and \$29,437.50 in fees.

3. In support of Plaintiff's initial motion for attorneys' fees, Plaintiff submitted true and correct excerpts from the 2021 edition of the Report of the Economic Survey of the American Intellectual Property Law Association (the "AIPLA Report"). *See* Baker Decl. Ex. C [[D.I. 37-6](#)].

4. Courts often look to the AIPLA Report as a measure of the reasonableness of hourly rates and fees in intellectual property cases.

5. Attached hereto as Exhibit 1 are additional true and correct excerpts from the AIPLA Report, which include rate and fee information for the Philadelphia Consolidated Metropolitan Statistical Area (CMSA).

6. Excerpted page I-49 of the AIPLA Report lists information for "Average hourly billing rate 2020" for the category of "Private Firm, Partner-

Track Attorney,” and lists for Philadelphia CMSA a mean hourly rate of \$482 per hour, with a median of \$515 per hour. *See* Exhibit 1 hereto.

7. The AIPLA Report describes “Partner-Track” attorneys as non-partner attorneys with an average of 9.7 years of IP attorney experience. *See* Exhibit 1 hereto at excerpted page 27.

8. Excerpted page I-49 of the AIPLA Report also lists an hourly rate for attorneys with 10-14 years of “IP Law Attorney Experience” of \$490 per hour. *See* Exhibit 1 hereto.

9. Excerpted page F-27 of the AIPLA Report further includes fee information for “Average billing rate for IP work,” and lists for Philadelphia CMSA a mean hourly rate of \$491 per hour, with a median amount of \$465 per hour, and a third quarter (75%) percentile of \$664 per hour. *See* Exhibit 1 hereto.

10. On the same page, the AIPLA Report also lists an hourly rate for attorneys at firms “101 or more” lawyers a mean hourly rate of \$601 per hour, with a median amount of \$529 per hour, and a third quarter (75%) percentile of \$740 per hour. *See* Exhibit 1 hereto.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct. Executed on this 10th day of November 2022.

By:                     /s/ Tyler E. Baker                      
Tyler E. Baker